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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,185

Applicant(s)

BHATT, BHAVESH B.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: Periods appear in line 4 and line 8 of claim 10. The claim should be rewritten as a single sentence. See MPEP 608.01(m). Appropriate correction is required.
2. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, all of the limitations recited in the body of claim 11 were previously set forth in the base claim (claim 10).
3. Claim 14 is objected to because of the following informalities: On line 2, "the first memory device" should be changed to "a first memory device". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 16 recite the limitations "the program module stored on the first memory device" (claim 15, lines 5-6), "the channel module stored on the first memory device" (claim 16, lines 5-6), and "the schedule module stored on the first memory device" (claim 16, lines 10-11). Claims 15 and 16 are vague because there is no recitation in claims 15, 16, the base claim, or any intervening claims indicating

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that the program module, the channel module, and the schedule module are or have been stored in the first memory device.

For the purposes of advancing prosecution on the merits, the Examiner has interpreted the limitations of a first memory device, and storing the program module, channel module, and schedule module (recited in lines 3 and 4 of claim 10) on the first memory device, to be implicit in independent claim 10.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

-or-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (US006401179B1).

With regard to claim 1, Park discloses a set-top receiver (fig. 6, col. 6, ll. 1-6) for storing an electronic program guide (“EPG”) (col. 3, ll. 1-4, corresponds to the present invention, illustrated in fig. 6), the set-top receiver comprising: a first memory device (memory A, fig. 3, corresponds to memory A of fig. 6) for storing a first portion of the EPG (previous EPG information, col. 4, ll. 50-51); a second memory device (memory B, fig. 3, corresponds to memory B of fig. 6) for storing a second portion of the

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EPG (newly obtained program guide, col. 4, ll. 51-52); means (60, fig. 6) for dividing the electronic program guide into a first portion and a second portion (col. 6, ll. 7-9); and means (72, fig. 6) for allocating the first portion to the first memory (memory A) device and the second portion to the second memory device (memory B) (col. 6, ll. 25-26).

As for claim 2, Park discloses the set-top receiver as recited in claim 1, further comprising: means (72) to adjust the contents of the first portion of the EPG (col. 6, ll. 25-26).

As for claim 3, Parks discloses the set-top receiver as recited in claim 1, further comprising: means (72) to adjust the contents of the second portion of the EPG (col. 6, ll. 25-26 & col. 6, ll. 7-9).

As for claim 5, Parks discloses the set-top receiver as recited in claim 1, wherein the first memory (memory A, fig. 6) is an electronic memory (col. 4, ll. 26-28, where fig. 1 is used as an example to illustrate aspects of the present invention, namely, a storing operation in a broadcast receiver, col. 2, l. 66 – col. 3, l. 4, and the operation of the memory is associated with power supplied to the receiver col. 5, ll. 35-39).

As for claim 7, Parks discloses the set-top receiver as recited in claim 1, wherein the second memory (memory B, fig. 4) is non-volatile memory (col. 5, ll. 35-39, i.e., the information is retained in memory even if power to the receiver is disrupted).

8. Claims 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Strubbe (US005223924A).

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With regard to claim 17, Strubbe discloses a set-top receiver (television receiver 40, fig. 1, col. 3, ln. 10), comprising: a processor (CPU 50, fig. 3); computer readable medium coupled to said processor (CPU 50 is programmed to perform functions, col. 4, ll. 4-5, computer readable medium coupled to said processor is inherent); a first memory (memory 54, fig. 3); a second memory (memory 52, fig. 3); an EPG (col. 3, ll. 59-62) comprising less frequently accessed data; and more frequently accessed data wherein the more frequently accessed data comprises preferred ("liked") data (where data is determined to be preferred data by the viewer watching programs corresponding to said data, col. 5, ll. 23-32; i.e., a program watched at least once is determined to be preferred, whereas a program never watched is not determined to be preferred; hence, more frequently accessed data is determined to be preferred data; also, where there exists more frequently accessed data, there inherently exists less frequently accessed data); and computer code encoded in computer readable medium, wherein the computer code is configured to cause the processor to: identify preferred data stored in the second memory (52); and move preferred data from the second memory (52) to the first memory (54) (col. 4, ll. 3-8, 17-26, 41-48, and col. 4, ln. 68 – col. 5, ln. 3).

With regard to claim 18, Strubbe discloses a computer program product encoded in computer readable media (col. 4, ll. 3-8), said computer program product comprising: a first memory (memory 54, fig. 3, col. 4, ll. 21-26); a second memory (memory 52, fig. 3, col. 4, ll. 17-21); a first set of instructions, executable on a set-top receiver (executing on CPU 50, fig. 3, col. 4, ll. 3-8, where fig. 3 is a detail of processor 35 of television receiver 40 of fig. 1), wherein the first set of instructions is configured to determine preferred portions of an EPG (col. 4, ll. 8-12) stored in the second memory (first database, stored in memory 52, col. 4, ll. 17-21); a second set of instructions, executable on a set-top receiver (executing on CPU 50, fig. 3, col. 4, ll. 3-8); wherein the second set of instructions is configured to move

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the preferred data from the second memory (first database stored on memory 52) to the first memory (second database, stored on memory 54, col. 4, ll. 21-26).

With regard to claim 19, Strubbe discloses a method of using a television set-top receiver (television receiver 40, fig. 1), comprising: entering queries (105, fig. 4) into a television set-top receiver (where fig. 4 illustrates a process carried out on television receiver 40, col. 4, ll. 32-40), wherein the queries generate data (i.e., “like” or “dislike”) wherein the data is stored in the set-top receiver and used to determine viewer preferences (col. 4, ll. 41-48 and col. 5, ll. 23-32, where watching the program which was queried in step 105 of fig. 4 results in a “like” response, indicating the viewer has a preference for that program).

With regard to claim 20, Strubbe discloses a method of using a television set-top receiver (television receiver 40, fig. 1), comprising: accessing (col. 5, ln. 36) preferred channels and programs (where a preferred program is identified, and a program is carried on a channel, a preferred channel inherently exists) as determined by previously entered queries (where queries for television programs and channels, i.e., step 105 of fig. 4, generate user preference data for such programs and channels, col. 4, ll. 41-48 and col. 5, ll. 32-32, and permit subsequent accessing of said programs and channels thereafter, col. 5, ll. 33-42).

With regard to claim 21, Strubbe discloses a method of using a television set-top receiver (television receiver 40, fig. 1), comprising: viewing (col. 5, ln. 38) preferred channels and programs (where a preferred program is identified, and a program is carried on a channel, a preferred channel inherently exists) as determined by previously entered queries (where queries for television programs and channels, i.e., step 105 of fig. 4, generate user preference data for such programs and channels, col. 4, ll.

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41-48 and col. 5, ll. 32-32, and permit subsequent accessing of said programs and channels thereafter, col. 5, ll. 33-42).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Strubbe (US005223924A).

With regard to claim 9, Park discloses the set-top receiver as recited in claim 2. However, Park fails to disclose the first portion of the EPG comprises preferred data.

In an analogous art, Strubbe discloses a portion (second database) of the EPG comprises preferred data (col. 4, ll. 21-26), for the purpose of developing a personalized TV program information database (col. 5, ll. 33-35).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Park to include the first portion of the EPG comprises preferred data, as taught by Strubbe, for the purpose of developing a personalized TV program information database in a set-top receiver.

11. Claim 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Tsukidate (Tsukidate et al., US006507950B1).

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With regard to claim 4, Park discloses the set-top receiver as recited in claim 1. However, Park fails to disclose the first memory is more rapidly accessed than the second memory.

In an analogous art, Tsukidate discloses a set-top receiver comprising a first memory (internal memory of data processing control unit 55, fig. 10, col. 12, ll. 23-26) and a second memory (disk unit 51, fig. 10, col. 12, ll. 12-14), wherein the first memory is more rapidly accessed than the second memory (where memory internal to a data processing unit is more rapidly accessed than external disk memory), for the purpose of enabling the user to quickly access the program guide (col. 14, ll. 13-16 and 25-35).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Park to include the first memory is more rapidly accessed than the second memory, as taught by Tsukidate, for the purpose of enabling the user to quickly access the program guide in a set-top receiver.

As for claim 8, Park discloses the set-top receiver as recited in claim 7. However, Park fails to disclose the second memory is a hard drive.

In an analogous art, Tsukidate discloses a second memory is a hard drive (disk unit 51, fig. 10, with hard disk drive interface 53, col. 12, ll. 12-14 and 17-20). Hard drives provide high-density, non-volatile, low per-unit cost storage.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Park to include said second memory is a hard drive, as taught by Tsukidate, for the purpose of providing high-density, non-volatile, low per-unit cost storage in a set-top receiver.

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12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Hite (Hite et al., US006002393A).

With regard to claim 6, Park discloses the set-top receiver as recited in claim 5. However, Park fails to disclose the first memory is a volatile memory.

In an analogous art, Hite discloses a set-top receiver (fig. 5, col. 6, ll. 31-34) employing a volatile memory (RAM 612, fig. 6, detail of fig. 5), for the purpose of reducing the physical size and cost of the memory device (col. 11, ll. 31-35).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Park to include said first memory is a volatile memory, as taught by Hite, for the purpose of reducing the size and cost of the memory device in a set-top receiver.

13. Claim 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe in view of Choi (US006473129B1).

With regard to claim 10, Strubbe discloses an apparatus and corresponding method for storing an EPG (col. 4, ll. 17-21), comprising: separating the EPG data into a program module (TV program information data, first database, col. 4, ll. 17-19); determining the preferred data in the program module (col. 4, ll. 32-35 and 59-61); and creating a program submodule (second database) that comprises preferred data from the program module (col. 4, ln. 68 – col. 5, ln. 3); storing the program submodule on a second memory device (memory section 54, col. 4, ln. 68 – col. 5, ln. 3). Strubbe fails to disclose separating the EPG data into a channel module and a schedule module.

In an analogous art, Choi discloses separating (parsing) the EPG data into a channel module (event information table (EIT) in which priority is set by channels) and a schedule module (EIT in which

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priority is set by prime times) (col. 4, ll. 54-58, and col. 7, ll. 8-11), for the purpose of providing the viewer with desired information on a program (based either on broadcast channel or broadcast time) at a rapid speed (col. 7, ll. 23-33).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strubbe to include separating the EPG data into a channel module and a schedule module, as taught by Choi, for the purpose of providing the viewer with desired information on a program at a rapid speed in a method for storing an EPG.

As for claim 11, Strubbe and Choi together disclose the method as recited in claim 10. In addition, Strubbe discloses determining the preferred data in the program module (col. 4, ll. 32-35 and 59-61); and creating a program submodule (second database) that comprises preferred data from the program module (col. 4, ln. 68 – col. 5, ln. 3); storing the program submodule on a second memory device (memory section 54, col. 4, ln. 68 – col. 5, ln. 3).

With regard to claim 12, Strubbe and Choi together disclose the method as recited in claim 10. In addition, Strubbe generally discloses determining preferred data in a module (col. 4, ll. 32-35 and 59-61); creating a submodule that comprises preferred data from the module (col. 4, ln. 68 – col. 5, ln. 3); and, storing the submodule on a second memory device (memory section 54, col. 4, ln. 68 – col. 5, ln. 3). However, Strubbe fails to explicitly disclose the preferred data comprises channel data.

In an analogous art, Choi discloses preferred data comprising channel data (col. 4, ll. 56-58, and col. 7, ll. 9-11), for the purpose of providing program information to the viewer at a rapid speed (col. 7, ll. 23-33).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strubbe to include the preferred data comprises channel data,

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as taught by Choi, for the purpose of providing program information to the viewer at a rapid speed in a method for storing an EPG.

With regard to claim 13, Strubbe and Choi together disclose the method as recited in claim 10. In addition, Strubbe generally discloses determining preferred data in a module (col. 4, ll. 32-35 and 59-61); creating a submodule that comprises preferred data from the module (col. 4, ln. 68 – col. 5, ln. 3); and, storing the submodule on a second memory device (memory section 54, col. 4, ln. 68 – col. 5, ln. 3). However, Strubbe fails to explicitly disclose the preferred data comprises schedule data.

In an analogous art, Choi discloses preferred data comprising schedule data (col. 4, ll. 54-56, and col. 5, ll. 37-42), for the purpose of providing program information to the viewer at a rapid speed (col. 7, ll. 23-33).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strubbe to include the preferred data comprises schedule data, as taught by Choi, for the purpose of providing program information to the viewer at a rapid speed in a method for storing an EPG.

As for claim 14, Strubbe and Choi together disclose the method as recited in claim 10. In addition, Strubbe discloses adjusting (read/write) the information stored in the first memory (memory section 56, col. 4, ll. 3-8).

14. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe and Choi as applied to claim 14 above, and further in view of Saitoh (US005444499A).

With regard to claim 15, Strubbe and Choi together disclose the method as recited in claim 14. In addition, Strubbe discloses the program submodule (second database) stored on the second memory device (memory section 54, col. 4, ln. 68 – col. 5, ln. 3). Strubbe and Choi fail to disclose monitoring and identifying preferred data on the program submodule and moving the preferred data from the program submodule to the program module stored on the first memory device.

In an analogous art, Saitoh discloses monitoring and identifying preferred data on a program submodule (data representative of a familiar broadcasting station whose program is frequently viewed, col. 3, ll. 40-44) and moving the preferred data from the program submodule to the program module stored on a first memory device (weekly tuning information storage unit, fig. 1, col. 3, ll. 40-46), for the purpose of preventing the viewer from missing favorite broadcasting programs (col. 4, ll. 44-63).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Strubbe and Choi to include monitoring and identifying preferred data on the program submodule and moving the preferred data from the program submodule to the program module stored on the first memory device, as taught by Saitoh, for the purpose of preventing the viewer from missing favorite broadcasting programs in a method for storing an EPG.

As for claim 16, Strubbe, Choi, and Saitoh together disclose the method as recited in claim 15. In addition, Strubbe and Saitoh generally disclose monitoring a submodule (data representative of a familiar broadcasting station whose program is frequently viewed, Saitoh, col. 3, ll. 40-44) and identifying preferred data on the submodule and moving the preferred data from the submodule (Saitoh, col. 3, ll. 40-46) stored on the second memory device (Strubbe, memory section 54, col. 4, ln. 68 – col. 5, ln. 3) to a program module stored on a first memory device (weekly tuning information storage unit, Saitoh, fig. 1, col. 3, ll. 40-46). Furthermore, Choi discloses the preferred data is channel data (col. 4, ll. 56-58, and col. 7, ll. 9-11) and schedule data (col. 4, ll. 54-56, and col. 5, ll. 37-42).

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Conclusion

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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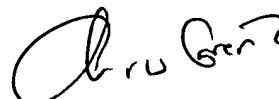
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht
Examiner
Art Unit 2611

CML


CHRIS GRANT
PRIMARY EXAMINER